

REMARKS

Claims 1-44 are pending in this application.

Applicant has amended claims 1-17, 24-30, 32-34, 37-39, and 42, and has added new claims 43 and 44. In addition, Applicant has made a minor change to the specification. Many of the changes to the claims involve substituting the phrase “image data” for the phrase “graphics data.” As it is believed that one having ordinary skill in the art would understand these phrases to be interchangeable, the changes made herein do not introduce any new matter.

In response to the objection to the informality in the disclosure, Applicant has changed reference number “24” in Paragraph 38 of Applicant’s specification to reference number “34” in accordance with the Examiner’s suggestion. Accordingly, Applicant requests that the objection to the disclosure be withdrawn.

In response to the objection to the informalities in the claims, Applicant has amended claims 1, 2, 4, 12, 14, 15, and 32 to correct the informalities cited in Paragraph 3 of the Office Action. In light of the changes made herein, Applicant requests that the objection to the claims be withdrawn.

Applicant respectfully requests reconsideration of the rejection of claim 25 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claim 25 to address the antecedent basis issue cited by the Examiner. Specifically, Applicant has amended claim 25 so that the claim now specifies “output control data.” Accordingly, Applicant submits that claim 25 now satisfies the definiteness requirement of 35 U.S.C. § 112, second paragraph, and requests that the rejection of this claim thereunder be withdrawn.

Applicant respectfully requests reconsideration of the rejection of claims 1, 2, 4, 9-11, 13, 14, 15, 17, and 22-28 under 35 U.S.C. § 102(e) as being anticipated by *Ogawa et al.* (U.S. Patent No. US 6,603,506 B2). As will be explained below, the *Ogawa et al.* reference does

not disclose each and every feature specified in independent claims 1, 13, 14, and 25-28, as amended herein.

Applicant respectfully traverses the Examiner's characterization of the *Ogawa et al.* reference relative to independent claims 1, 13, 14, and 25-28. The *Ogawa et al.* reference does not disclose either an output control data acquisition mechanism or an image data output mechanism as specified in amended claims 1 and 25. In the image data generating device defined in claims 1 and 25, the output control data is attached to the image data. In the *Ogawa et al.* reference, the print control code is sent to the printer as a control signal. Further, the output control data is not the type of data that controls the printer in real time or works as a printer driver. For example, in the case of a stand-alone printer, the *Ogawa et al.* device has to control the printer in real time via a cable. On the other hand, in the image data generating device defined in claims 1 and 25, after sending the image data with the output control data to the printer, the printer interprets the received output control data and then implements the printing process. That is, the claimed image data generating device does not directly control the function of the printer, but rather modifies or changes a specific control system for each printer (or other output device) in view of the image quality.

The argument made above regarding claims 1 and 25 also applies to the other independent claims. Specifically, regarding claims 13 and 26, the *Ogawa et al.* reference does not disclose either the claimed "means for acquiring output control data" or the claimed "means for generating image data." Regarding claims 14 and 27, the *Ogawa et al.* reference does not disclose either the claimed step of "acquiring output control data" or the claimed step of "generating image data." Regarding claim 28, the *Ogawa et al.* reference does not disclose either the claimed function involving the "acquisition of output control data" or the claimed function involving the "generation of image data."

Accordingly, for at least the foregoing reasons, independent claims 1, 13, 14, and 25-28 are patentable under 35 U.S.C. § 102(e) over *Ogawa et al.* Claims 2, 4, and 9-11, each of which ultimately depends from claim 1, and claims 15, 17 and 22-24, each of which ultimately depends from claim 14, are likewise patentable under 35 U.S.C. § 102(e) over *Ogawa et al.* for at least the same reasons set forth regarding the applicable independent claim.

Applicant respectfully requests reconsideration of the rejection of claims 3, 5, 6, 12, 16, 18, 19, and 29-38 under 35 U.S.C. § 103(a) as being unpatentable over *Ogawa et al.* in view of *Otake* (U.S. Publication No. US 2001/0024292 A1). The deficiencies of the *Ogawa et al.* reference relative to independent claim 1, from which claims 3, 5, and 6 ultimately depend, and independent claim 14, from which claims 16, 18, and 19 ultimately depend, are set forth above in connection with the anticipation rejection of claims 1 and 14. The *Otake* reference does not cure the above-discussed deficiencies of the *Ogawa et al.* reference relative to claims 1 and 14. Accordingly, claims 3, 5, 6, 16, 18, and 19 are patentable under 35 U.S.C. § 103(a) over the combination of *Ogawa et al.* in view of *Otake* for at least the same reasons set forth above regarding claims 1 and 14.

Regarding independent claims 12, 29, 33, 34, and 38, Applicant submits that the deficiencies of the *Ogawa et al.* reference set forth above in connection with the anticipation rejection of claims 1, 2, 4, 9-11, 13, 14, 15, 17, and 22-28 also apply to claims 12, 29, 33, 34, and 38. As noted above, the *Otake* reference does not cure the above-discussed deficiencies of *Ogawa et al.* relative to the claimed subject matter. Accordingly, claims 12, 29, 33, 34, and 38 are patentable under 35 U.S.C. § 103(a) over the combination of *Ogawa et al.* in view of *Otake* for at least the same reasons set forth above in connection with the anticipation rejection.

Applicant respectfully requests reconsideration of the rejection of claims 7, 8, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Ogawa et al.* Claims 7 and 8, each of which ultimately depends from claim 1, and claims 20 and 21, each of which ultimately depends from claim 14, are patentable under 35 U.S.C. § 103(a) over *Ogawa et al.* for at least the same reasons set forth above in connection with the anticipation rejection of claims 1 and 14. In this regard, Applicant notes that the *Ogawa et al.* reference would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 1 and 14.

Applicant respectfully requests reconsideration of the rejection of claims 39-42 under 35 U.S.C. § 103(a) as being unpatentable over *Inoue et al.* (U.S. Patent No. 6,273,535 B1) in view of *Otake*. As will be explained below, the combination of *Inoue et al.* in view of *Otake* would not have suggested to one having ordinary skill in the art the subject matter defined in claims 39-42.

In the *Inoue et al.* reference, the printer is required to undergo further processing to adjust for additional image information. That is, the printer in the *Inoue et al.* reference always has to perform a matching process to adjust the "Input Device Unique Information" and the "Printer Unique Information." Therefore, the image generating device cannot control the output device completely. On the other hand, the claimed image output system uses an image file that includes image data and output control data that designates output conditions for the various output devices. Therefore, the output device can just use the output control data, and an image generating device can control the output device completely. Relative to the claimed subject matter, the *Inoue et al.* reference does not disclose or suggest an image file having image data and output control data for connected output devices. The *Otake* reference does not cure this deficiency of the *Inoue et al.* reference relative to the claimed

subject matter. Thus, the combination of *Inoue et al.* in view of *Otake* would not have suggested to one having ordinary skill in the art the claimed subject matter.

Accordingly, for at least the foregoing reasons, claims 39-42 are patentable under 35 U.S.C. § 103(a) over the combination of *Inoue et al.* in view of *Otake*.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-42, as amended herein, and examination of new claims 43 and 44, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP003).

Respectfully submitted,
MARTINE & PENILLA, L.L.P.



Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 170
Sunnyvale, California 94085
(408) 749-6900
Customer Number 25920